

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ME2 PRODUCTIONS, INC.,

Plaintiff,

v.

DOES 1-17,

Defendants.

Case No. C16-1953RSL

ORDER GRANTING IN PART
MOTION FOR EXTENSION OF
TIME

This matter comes before the Court on plaintiff's motion for an extension of time in which to serve the complaint. Dkt. # 10. A party generally has 90 days after a complaint is filed in which to serve the defendant. Fed. R. Civ. P. 4(m). It can be challenging to meet this deadline in BitTorrent cases where plaintiff must first conduct discovery from the ISP before it can identify and serve the defendant. It can be done, however, and the Court expects a good faith effort to comply with the service deadline. Where the motion for leave to conduct expedited discovery is filed and granted in a timely manner and the ISP responds promptly, plaintiff has some time – a few days or weeks depending on the production date – in which to pursue an amicable resolution of the case before utilizing the waiver of service procedure set forth in Fed. R. Civ. P. 4(d). If plaintiff opts to spend additional time negotiating with persons who have not yet been brought into the suit, it would still have time to engage a process server and accomplish service in a timely manner. In these scenarios, an extension of time should be necessary

1 only if a defendant failed to waive or was dodging service.

2 In this case, receipt of the subscriber information from the ISP has been delayed
3 for reasons over which plaintiff has no control. The anticipated receipt date is now March
4 21, 2017, which is also the service deadline under Rule 4(m). Plaintiff seeks a sixty day
5 extension of time so that it has a month in which to communicate with the subscribers
6 before sending waiver requests. If one or more defendants refuse to waive, plaintiff
7 intends to seek an additional extension of the service deadline so that it can hire a process
8 server.

9 Good cause has been shown for an extension of time. Plaintiff's inability to serve
10 has been caused by circumstances outside its control, and it has timely moved for an
11 extension. The Court expects plaintiff to modify its normal procedures, however, to
12 reduce the amount of time it spends communicating with unnamed defendants. Plaintiff
13 shall have an additional forty-five days, until May 5, 2017, to file proofs of waiver as to
14 all defendants or a second motion for extension of time detailing the efforts made toward
15 effecting personal service.

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17 Dated this 16th day of March, 2017.

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19 Robert S. Lasnik
20 United States District Judge
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